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Attorney for Defendant Linens 'N Things, Inc.

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KRIS HENKE, an individual, Plaintiff, v. LINENS 'N THINGS, INC., an unknown business entity; DOES 1 through 25, Inclusive Defendants.	Case No. 3:08-cv-00614-BEN-NLS **APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE**

RONALD M. GASWIRTH

I, Ronald M. Gaswirth, hereby apply to the Court under Local Rule 83-2.8.2 for permission to appear and participate in the above entitled action on behalf of Defendant Linens 'N Things, Inc. by whom I have been retained.

1. My out-of-state business information is as follows:
   a. Gardere Wynne Sewell, LLP
      1601 Elm Street, Suite 3000
      Dallas, TX 75201-4761
   b. E-mail: rgaswirth@gardere.com
   c. Telephone: (214) 999–4601
   d. Fax: (214) 999-3601

2. I am a member in good standing and eligible to practice in the following courts on the dates listed below:

Texas Supreme Court – 1968

United States Supreme Court – 1974

Third Circuit Court of Appeals – 1979

Fifth Circuit Court of Appeals – 1982

Ninth Circuit Court of Appeals – 1996

Tenth Circuit Court of Appeals – 1995

Eleventh Circuit Court of Appeals – 2000

Colorado District Court – 1997

Georgia Northern District Court – 1971

Northern District of Texas – 1979

Southern District of Texas – 1986

Western District of Texas – 1988

Eastern District of Texas – 2000

Northern District of California – 1985

3. I am not a resident of, nor am I regularly employed, engaged in business, professional or other activities in the State of California. I am not currently suspended or disbarred in any court.

4. I have not concurrently or within the last 3 years of this application made *Pro Hac Vice* applications to this Court.

5. I designate Scott E. Gizer as local counsel, whose business information is as follows:

   a. Christensen, Glaser, Fink, Jacobs, Weil & Shapiro, LLP
   10250 Constellation Blvd., 19th Floor
   Los Angeles, California 90067

   b. E-mail: sgizer@chrisglase.com

   c. Telephone: (310) 556-7852

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d. Fax: (310) 556-2920

6. Scott E. Gizer is in good standing with the Bar of this Court and maintains an office in the Central District of California for the practice of law, as the attorney with whom the Court and opposing counsel may readily communicate regarding the conduct of this case, and upon whom papers may be served.

I declare under penalty of perjury that the foregoing is true and correct and that I am familiar with the Local Rules, the Local Criminal Rules, the Fed. R. Civ. P., the Fed. R. Crim. P., and the Fed. R. Evidence.

Dated: 3-25-08

RONALD M. GASWIRTH

I hereby consent to the foregoing designation as local counsel.

Dated: April 7, 2008

SCOTT E. GIZER, State Bar No. 221962

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on April 7, 2008, the foregoing document(s) was (were) filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system

APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE

SCOTT E. GIZER

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, Nineteenth Floor, Los Angeles, California 90067.

On April 7, 2008 at the direction of a member of the Bar of this Court, I served the within:

APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE

on the interested parties to this action by delivering a copy thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

H. Anthony Harris, Esq.
Law Offices of Brictson & Cohn
2214 Fifth Avenue
San Diego, CA 92101

[X] (BY MAIL) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

[ ] (BY OVERNIGHT DELIVERY SERVICE) I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

[ ] (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

[ ] (BY FACSIMILE) I caused such documents to be delivered via facsimile to the offices of the addressee(s) at the following facsimile number:

Executed on April 7, 2008, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

ADELE JOHNSON-DAVIS

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